IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 6223 of 2004(N)

PETITIONER:

MOHANACHANDRAN NAIR B.,
S/O. THE LATE M.K.BHASKARAN NAIR,
AGED 42 YEARS, SECURITY GUARD, BASE TRANSMITTING
STATION BSNL EANCHAKKAL, THIRUVANANTHAPURAM,
RESIDING AT 'SREEVILAS', NEAR GOVERNMENT HIGH
SCHOOL, KARAKULAM P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.O.V.RADHAKRISHNAN
SMT.K.RADHAMANI AMMA

RESPONDENTS:

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1. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY, DEPARTMENT OF TELECOMMUNICATIONS,
MINISTRY OF COMMUNICATIONS, NEW DELHI.

2. DIRECTOR GENERAL RE-SETTLEMENT,
MINISTRY OF DEFENCE, WEST BLOCK 4, R.K.PURAM,
NEW DELHI-110 066.

3. BHARATH SANCHAR NIGAM LIMITED,
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR
SANCHAR BHAVAN, NEW DELHI.

4. CHIEF GENERAL MANAGER, BSNL,
THIRUVANANTHAPURAM.

5. DIVISIONAL ENGINEER, BSNL (MOBILE),
PALAYAM, THIRUVANANTHAPURAM

6. HERBY SECURITIES, REPRESENTED BY ITS
MANAGING DIRECTOR COLONEL (RETIRED) N.CHANDRAN,
77 KEDARAM SHOPPING COMPLEX, KESAVADASAPURAM,
THIRUVANANTHAPURAM 695 004.

BY ADV. SRI.C.S.RAMANATHAN, SC, BSNL
SRI.V.K.SUNIL
SRI.S.KRISHNAMOORTHY, CGC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS

Ext.P1: True copy of the Guidelines issued under letter No. 2112/SA/DGR/EMP/POLICY dated 11-05-1992 of the 2nd respondent

Ext.P2: True copy of the General Guidelines and Wage Structure (as on 01-02-1999) as per Government of National Capital Territory of Delhi, Labour Department Notifications No.F 12(142) /98MW/LAB/116 dated 26-03-99 of the 2nd respondent

Ext.P3: True copy of the General Guidelines and Wage Structure(as on 01-08-2001) as per Government of National Capital Territory of Delhi, Labour Department Notifications No.F.12(142) /98-MW/LAB/511 dated 28-09-2001 of the 2nd respondent

Ext.P4: True copy of the Letter No. 2112/SA/BSNL/Emp dated 01-05-2001 of the 2nd respondent

Ext.P5: Photocopy of the identity card issued to the petitioner by the 6th respondent

Ext.P6: True copy of the Office Memorandum No.6/22/93/GL-15/DPE(SC/ST) dated 01-2-1999 of the 1st respondent

Ext.P7: True copy of the Office Memorandum No.2-29/2000-Restg dated 30-09-2000 of the 1st respondent

Ext.P8: Photocopy of the wage slip issued by the 6th respondent to the petitioner for the month of January 2004

Ext.P9: True copy of the Letter No.2112/SA/RA-Security Guard/Emp dated 17-01-2003

Ext.P10: Photocopy of the Order dated 07-04-2003 on CMP No. 20574 of 2003 in O.P No. 12018 of 2003 of this Hon'ble Court

//True copy//

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 6223 OF 2004-N

JUDGMENT

The petitioner, who is an employee of the 6th respondent, has filed this writ petition, seeking the following reliefs:

> "i) to declare that the petitioner is legally entitled to be absorbed as regular Security Guard in the 3rd respondent Company with effect from the date of his initial engagement as Security Guard.
>
> ii) to issue a writ of mandamus or other appropriate writ, direction or order, directing the 1st respondent to issue guidelines/ regulations defining the terms and conditions of security guards engaged through security agencies registered with and approved by the 2nd respondent.
>
> iii) to issue a writ of mandamus or other appropriate writ, direction or order, directing the respondents 1 to 5 to absorb the petitioner as regular Security Guard with effect from the date of his initial engagement as such with full service benefits.
>
> iv) to issue a writ of mandamus or other appropriate writ, direction or order directing the respondents 5 and 6 to permit the petitioner to continue as security guard under the 5th respondent.
>
> v) to issue a writ of mandamus or other appropriate writ, direction or order, directing the respondents 5 and 6 to pay wages to the petitioner at the rates approved by the 2nd respondent."

2. This Court cannot issue any writ against the 6th respondent. The petitioner being an employee of the said respondent, he cannot claim regularisation in the B.S.N.L. Also. Therefore, no relief could be granted to the petitioner. The learned standing counsel for the B.S.N.L submitted that if the petitioner is engaged by the 6th respondent or any other security agency, the B.S.N.L does not have any objection to the same and he can work subject to the usual terms and conditions.

Subject to the above observation, the writ petition is closed.

5th June, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/